

# **GLOSSARY**

The glossary contains definitions of terms most frequently encountered in the collection and reporting of Summary Reporting System data. Generally, definitions are derived from Florida Statutes and/or Florida Rules of Court. Some are reproduced from either the State Court Model Statistical Dictionary, the Dictionary of Criminal Justice Data Terminology or Black's Law Dictionary. Definitions derived from these sources have been modified to reflect procedures and rules specific to Florida whenever appropriate.

## **Acquittal**

A judgment of a court, based on the verdict of either a jury or a judge, that the defendant is not guilty of any offense(s) of which she/he has been charged.

## **Acquittal By Reason of Insanity**

A judgment of a court, based on either the verdict of a jury or a judicial officer, that the defendant is not guilty of the offense(s) for which he/she has been held because the defendant was declared to lack the mental capacity to distinguish right from wrong.

## **Adjudication Withheld**

A manner of disposition in which the court does not pronounce a formal judgment of conviction.

## **Adversary Preliminary Hearing**

A proceeding before a judge in which evidence is presented so that the court can determine whether there is sufficient cause to hold the accused for trial. (See rule 3.133 (b), Florida Rules of Criminal Procedures.)

## **Affidavit of Defense**

A sworn written statement which a non-resident charged with the commission of a traffic infraction may use to admit or deny the commission of the infraction if a hearing is mandatory. If accepted by the hearing official, the affidavit constitutes the alleged offender's appearance and should be used by the hearing official during the hearing to determine whether or not the offense was committed. Provided for under rule 6.340, Florida Rules of Traffic Court, it may also be filed to deny the commission of an infraction which does not require a mandatory hearing.

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## **Appeal**

A request that a case be removed from a lower court to a higher court in order for the case to be reviewed.

## **Arbitration**

A manner of disposition in which a case is submitted to the judgment of an impartial party appointed by the court rather than decided through regular court process.

## **Bond Estreature**

A disposition for minor criminal cases (minor misdemeanors and ordinance violations) and for traffic cases in which a defendant's failure to appear in court causes the money or property deposited to secure release on bail not to be returned to the defendant.

## **Caveat**

A legal warning filed by a creditor of the estate of a decedent or other interested party directing the court not to admit a will of the decedent to probate without service of notice on the caveator or his/her designated agent.

## **Certification to Criminal Division**

The decision by a juvenile court resulting from a transfer hearing that jurisdiction over an alleged delinquent will be waived and that he/she should be prosecuted as an adult in a criminal court.

## **Change of Venue**

The movement of a case from one court to another court that has the same jurisdictional authority but is in a different geographic location.

## **Charge**

As defined by Black's Law Dictionary, "Criminal law. In a criminal case, the specific crime the defendant is accused of committing. Accusation of a crime by a formal complaint, information or indictment." (See **Count**, page14-3).

## **Civil Infraction**

A non-criminal traffic violation that is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel as defined under

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rule 6.040, Florida Rules of Traffic Court.

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## **Community Control**

The legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act.

## **Complaint (Civil)**

The initial written pleading on the part of the plaintiff of a civil case.

## **Complaint (Criminal)**

A formal written document submitted to the court by a law enforcement officer, prosecutor or other person, alleging that a specified person(s) has committed a specific criminal offense(s) and requesting prosecution.

## **Consolidated Case**

Cases within the same jurisdiction involving one defendant or the same litigants which are consolidated under one case number and disposed as one unit.

## **Conviction**

A judgment of a court, based either on the verdict of a jury, the decision of a judge or the guilty plea of the defendant, that the defendant is guilty of the offense(s) (or a lesser included offense) of which he/she has been charged.

## **Criminal Traffic Offense**

A traffic violation that may subject a defendant upon conviction to incarceration within the jurisdiction of a court to which these rules apply as defined under rule 6.040, Florida Rules of Traffic Court.

## **Count**

As defined by Black's Law Dictionary, "... Used also to signify the several parts of an indictment, each charging a distinct offense... "Count" and "charge" when used relative to allegations in an indictment or information are synonymous." (See **Charge**, page 14-2).

## **Default**

A manner of disposition in civil cases in which a defendant fails to contest the plaintiff's allegation.

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## **Defendant**

A person required to answer an accusation in a criminal case or traffic case, or a complaint in a civil case. Also referred to as the respondent.

## **Deferred Prosecution**

A form of probation, supervised by the state attorney, in which prosecution of an alleged offender is first postponed and later terminated if the defendant adheres to certain established conditions of behavior.

## **Deposited Will**

A will which is filed with the clerk of court but is not admitted to probate.

## **Detention Hearing**

A proceeding before a judge of juvenile court to determine whether a juvenile is to be detained, continue to be detained or released while juvenile proceedings are pending in his/her case.

## **Direct File**

The filing of an information against a juvenile who has been found to have committed two delinquent acts, one of which involved an offense classified under the law as a felony.

## **Dismissed**

A manner of disposition in which the jurisdiction of the court is terminated before a judgment is reached.

## **Disposition**

The final decision or judgment which terminates a judicial proceeding. Examples include disposed by judge, disposed by jury, no file, dismissed, transferred, convicted after plea, adjudication withheld, acquitted, convicted, dismissed before hearing, dismissed after hearing, bond estreature and non-jury trial.

## **Disposition Without Administration**

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The authorization by the court of the payment, transfer or disposition of the personal property belonging to a decedent without administration or the institution of formal proceedings. Provided for under rule 5.420, Florida Probate Rules, when the value of the decedent's property does not exceed exempt property, preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days.

### **Driver Improvement School**

A possible disposition for traffic law violators. Attendance at a driver improvement school can either be required or elective. All driver improvement schools are operated by a non-profit or governmental agency and must be approved by the Traffic Court Review Committee.

### **Empaneled**

Selection of citizens by judicial officers to complete a jury of peers. When voir dire is finished and both sides have used the challenges, the jury is complete or empaneled. The juries are then sworn.

### **Ex Parte**

*Ex parte* is defined by Black's Law Dictionary as: "On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. A judicial proceeding, order, injunction, etc., is said to be *ex parte* when it is taken or granted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely interested."

### **Extradition**

The return of a defendant to another state or county for prosecution.

### **Filing**

The commencement of judicial proceedings by entering a charging document, complaint, or petition into the official record of a court.

### **Grand Jury**

A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence, and find bills of indictment in cases where they are satisfied that there is probable cause that a crime was committed and that a trial ought to be held.

### **Guilty Plea**

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A plea by the defendant in a criminal or traffic prosecution admitting the commission of an offense with which he/she is charged or a lesser included offense.

### **Habeas Corpus**

A variety of writs whose object is to bring a person before a court or judge.

### **Hearing**

A proceeding in which arguments, witnesses, or evidence are heard by a judicial officer or administrative body.

### **Indictment**

A formal written accusation submitted to the court by a grand jury, alleging that a specified person(s) has committed a specified offense(s). Under rule 3.140, Florida Rules of Criminal Procedure, all capital punishment crimes shall be prosecuted by indictment; however, the grand jury may indict for any offense.

### **Information**

A formal written accusation made and submitted to a court by a prosecutor alleging that a specified person(s) has committed a specified offense(s).

### **Judgment**

The statement of the decision of a court regarding the disposition of a case.

### **Jury Trial**

A trial in which a group of citizens is empaneled to determine the issues of fact in a case. For SRS reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are sworn.

### **Mandatory Hearing**

In traffic cases, section 318.19, Florida Statutes, provides two instances where a driver must appear before a hearing official to determine whether or not the offense was actually committed: 1) any infraction which resulted in a accident causing death or "serious bodily injury" to another, and 2) any infraction which would, if the person is convicted, result in the suspension or revocation of his/her driver license or privilege.

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## **Mediation**

A process in which a neutral third party listens to the complaints and concerns of all parties to a dispute and then tries to assist those parties to reach an agreement that resolves those concerns. The mediator, unlike a judge, has no authority to impose a decision on the parties.

## **Mistrial**

A trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors, or disregard of some other fundamental procedure.

## **No File**

A decision by the prosecutor not to file an information against an accused person.

## **No True Bill**

A decision by a grand jury not to endorse a bill of indictment against an accused person.

## **Nolle Prosequi**

A decision by the prosecutor not to proceed further in a case in which an information has already been filed.

## **Nolo Contendere Plea**

A plea by the defendant in a criminal or traffic prosecution that, without admitting guilt, subjects him/her to conviction, but does not preclude the defendant from denying the truth of the charges in a collateral proceeding.

## **Non-Jury Trial**

A trial in which there is no jury and in which a judge determines both the issues of fact and law in a case.

## **Non-Mandatory Hearing**

In traffic cases, if no hearing is required for the infraction, the driver may elect to appear before a hearing official.

## **Notice to Appear**

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As defined under rule 3.125 (a), Florida Rules of Criminal Procedure, a written order issued by a law enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time.

### **Nunc Pro Tunc**

As defined by Black's Law Dictionary, " Now for then. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, *i.e.*, with the same effect as if regularly done. Nunc pro tunc entry is an entry made now of something actually previously done to have the effect of the former date;..."

### **Offender Based Transaction System (OBTS)**

Automated criminal system designed to electronically transmit disposition information to be included in the computerized criminal history (CCH) file which is housed at the Florida Department of Law Enforcement.

### **Order of Discharge**

**Estate:** When the personal representative of an estate has completed administration except for distribution, he/she shall file a final accounting and a petition for discharge. After the order of discharge is signed, the personal representative may distribute the estate. **Used to close an estate for SRS reporting purposes.**

**Guardianship:** When the court is satisfied that the guardian has faithfully discharged his/her duties and the interests of the ward are protected and the guardian has rendered a complete and accurate final accounting and has delivered the assets of the ward to the person entitled to them, the court shall enter an order of discharge. **For SRS reporting purposes, a guardianship case should be disposed upon the appointment of the guardian, not on the order of discharge.**

### **Petition**

In a civil or probate case, a written document filed in the court, initiating the case and requesting a decision in a matter described therein.

In an appellate case, a written document for filing a request to appeal or an original jurisdiction case.

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### **Plaintiff**

A person who initiates a court action. Also referred to as complainant, claimant, or petitioner.

### **Plea**

A defendant's formal answer in court to the charges brought against him/her in a complaint, information, or indictment.

### **Post Conviction Relief Motion**

A motion to vacate, set aside, or correct a sentence, pursuant to rule 3.850, Florida Rules of Criminal Procedure.

### **Probation Revocation Hearing**

A proceeding before a judge to determine whether the probation of a defendant should be modified or revoked following an alleged violation.

### **Protective Supervision**

A legal status created by court order in dependency cases which permits the child to remain in his/her own home or other placement under the supervision of an agent of the Department of Children and Families, subject to being returned to the court during the period of supervision.

### **Reopened Case**

A case that has been reported previously as disposed, but is resubmitted to a court.

### **Replevin**

A personal action brought to recover possession of goods unlawfully taken.

### **Sentence**

The penalty imposed by a court upon a convicted person, or the court decision to suspend imposition or execution of the penalty.

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### **Settlement**

The termination of a civil case before trial by the agreement between or among the parties involved.

### **Speedy Trial**

The right of a defendant to have a prompt trial.

### **Speedy Trial Rule**

Pursuant to rule 3.191, Florida Rules of Criminal Procedure, which requires a trial to be held within 175 days from arrest in felony cases and 90 days from arrest in misdemeanor cases.

### **Stipulation**

An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial.

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### **Summary Reporting System (SRS)**

Florida State Courts System uniform case reporting system, pursuant to Section 25.075 (1), Florida Statutes.

### **Traffic Violations Bureau**

Any court handling criminal traffic offenses or traffic infractions shall establish a traffic violations bureau by local rule. The function of the bureau shall be to accept appearances, waivers of non-criminal hearings, admissions and payment of civil penalties for traffic infractions not requiring a mandatory hearing.

### **Transferred**

A manner of disposition in which a judicial order transfers a case from one court to another before hearing or trial.

### **UIFSA**

Uniform Interstate Family Support Act, pursuant to Chapter 88, Florida Statutes, effective July 1997 (formally referred to as **URES**A - Uniform Reciprocal Enforcement of Support Act).

### **Verdict**

The decision made by a jury or by a judicial officer concerning the matters at issue.

### **Voir Dire**

A preliminary examination of prospective jurors or witnesses to inquire into their competence. Literal translation is *to speak the truth*.

### **Withdrawn**

A manner of disposition in which cases that were formally filed in a court are removed from the court by the plaintiff before the hearing or trial.